

UNITED STATES DISTRICT COURT

for the  
Southern District of New York

Ritchard Yanowitz )

*Plaintiff, Counterclaim-Defendant* )

V. )

Civil Action No. 15-cv-807 (KBF)

Divatex Home Fashion, Inc. )

*Defendant, Counterclaim-Plaintiff* )

V. )

Brandon Yanowitz )

*Counterclaim-Defendant, Counterclaim Plaintiff* )

V. )

David Greenstein )

*Additional Defendant on Counterclaim* )

SUMMONS IN A CIVIL ACTION

To: *(Counterclaim defendant's name and address)*

David Greenstein  
c/o Divatex Home Fashion, Inc.  
295 5th Ave #515  
New York, NY 10037

A lawsuit has been filed against counterclaim defendant Brandon Yanowitz who as a counterclaim plaintiff is making this claim against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the counterclaim plaintiff's attorney, whose name and address are:

Bruce D. Meller, Esq.  
Peckar & Abramson, P.C.  
41 Madison Avenue, 20<sup>th</sup> Floor  
New York, NY 10004

It must also be served on the defendant or defendant's attorney, whose name and address are:

Anne C. Patin, Esq.  
Seward & Kissel LLP  
One Battery Park Plaza  
New York, NY 10004

If you fail to respond, judgment by will be entered against you for the relief demanded in the counterclaims. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiffs complaint is also attached. You may — but are not required to — respond to it.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

I personally served the summons on the individual at *(place)*

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

CM left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

\_\_\_\_\_, a person of suitable age and discretion who resides there,

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: